

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHARLES E. ROTHMAN,)
)
Plaintiff,)
)
v.) No. 4:11CV639 CEJ
)
UNKNOWN CHASTIN, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for appointment of counsel. The motion will be denied without prejudice.

There is no constitutional or statutory right to appointed counsel in civil cases.

Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

Plaintiff has presented non-frivolous allegations supporting his claim of deliberate indifference to his serious medical needs. There does not appear to be any need for extensive intensive factual investigation of plaintiff's case. And the factual and legal issues do not appear to be complex. Moreover, at this point, the Court believes that plaintiff has shown that he can adequately prosecute this case, even though he has benefitted from assistance from another inmate. As a result, the motion will be denied without prejudice to refiling at a later time.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to file a motion for appointment of counsel is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel is **DENIED** without prejudice.

Dated this 25th day of July, 2011.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE